

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

In re:	§	
	§	
RANDY MARTINEZ, Individually and on Behalf of All Others Similarly Situated,	§	
	§	
Plaintiffs,	§	Civil Action No. 5:16-cv-00438-DAE
	§	
v.	§	
	§	
JPS COMPLETION FLUIDS, INC.	§	
	§	
Defendant.	§	

SUGGESTION OF BANKRUPTCY

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES **JPS COMPLETION FLUIDS, INC.**, hereinafter "Defendant" in the above-entitled and numbered cause, and files this Suggestion of Bankruptcy and would show the Court the following:

I.

On May 11, 2016, the Defendant filed a Voluntary Petition under Chapter 11 of the United States Bankruptcy Code, which is currently pending in the United States Bankruptcy Court for the Western District of Texas, San Antonio Division, under Case No. 16-51110-cag, *In re: JPS Completion Fluids, Inc., Debtor*. A true and correct copy of the Voluntary Petition is attached hereto as Exhibit "A" and incorporated herein by reference.

II.

11 U.S.C. Section 362 prohibits the commencement or continuation of actions against the Debtor or the estate of the Debtor.

Respectfully submitted,

/s/ Nathaniel Peter Holzer

Nathaniel Peter Holzer

Texas Bar No. 00793971

***Jordan, Hyden, Womble, Culbreth
& Holzer, P.C.***

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PROPOSED BANKRUPTCY
ATTORNEYS FOR JPS COMPLETION
FLUIDS, INC.

CERTIFICATE OF SERVICE

I certify that on May 12, 2016, a true and correct copy of the foregoing was served on the following via email.

Josh Sanford
Sanford Law Firm, PLLC
Email: josh@sanfordlawfirm.com

/s/ Nathaniel Peter Holzer
Nathaniel Peter Holzer

Fill in this information to identify your case:

United States Bankruptcy Court for the:

WESTERN DISTRICT OF TEXAS

Case number (if known)

Chapter

11☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

4/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name **J P S Completion Fluids, Inc.**

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and *doing business as* names

DBA J P S Super Chokes
DBA Fluids Distribution Center

3. Debtor's federal Employer Identification Number (EIN) **26-2959780**

4. Debtor's address **Principal place of business**

10380 N. IH 37
Mathis, TX 78368

Number, Street, City, State & ZIP Code

San Patricio
County

Mailing address, if different from principal place of business

P.O. Box 277
Mathis, TX 78368

P.O. Box, Number, Street, City, State & ZIP Code

Location of principal assets, if different from principal place of business

15 W. Kansas Ave.
(Dimmitt County, Texas) Big Wells, TX 78830

Number, Street, City, State & ZIP Code

5. Debtor's website (URL) **www.jpscompletionfluids.com**

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify: _____

Debtor

J P S Completion Fluids, Inc.

Case number (if known)

Name

7. Describe debtor's business

A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

2131**8. Under which chapter of the Bankruptcy Code is the debtor filing?**

Check one:

- ☐ Chapter 7
- ☐ Chapter 9

☒ Chapter 11. Check all that apply:

- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).
- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**☒ No.☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?☒ No☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor	_____	Relationship	_____
District	_____	When	_____
		Case number, if known	_____

Debtor

J P S Completion Fluids, Inc.

Name

Case number (if known)

11. Why is the case filed in this district?*Check all that apply:*

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?☒ No☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.**Why does the property need immediate attention? (Check all that apply.)**☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? _____

☐ It needs to be physically secured or protected from the weather.☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).☐ Other _____**Where is the property?** _____

Number, Street, City, State & ZIP Code

Is the property insured?☐ No☐ Yes. Insurance agency _____

Contact name _____

Phone _____

Statistical and administrative information**13. Debtor's estimation of available funds***Check one:*☐ Funds will be available for distribution to unsecured creditors.☒ After any administrative expenses are paid, no funds will be available to unsecured creditors.**14. Estimated number of creditors**☐ 1-49☒ 50-99☐ 100-199☐ 200-999☐ 1,000-5,000☐ 5001-10,000☐ 10,001-25,000☐ 25,001-50,000☐ 50,001-100,000☐ More than 100,000**15. Estimated Assets**☐ \$0 - \$50,000☐ \$50,001 - \$100,000☐ \$100,001 - \$500,000☐ \$500,001 - \$1 million☒ \$1,000,001 - \$10 million☐ \$10,000,001 - \$50 million☐ \$50,000,001 - \$100 million☐ \$100,000,001 - \$500 million☐ \$500,000,001 - \$1 billion☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion**16. Estimated liabilities**☐ \$0 - \$50,000☐ \$50,001 - \$100,000☐ \$100,001 - \$500,000☐ \$500,001 - \$1 million☒ \$1,000,001 - \$10 million☐ \$10,000,001 - \$50 million☐ \$50,000,001 - \$100 million☐ \$100,000,001 - \$500 million☐ \$500,000,001 - \$1 billion☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion

Debtor

J P S Completion Fluids, Inc.

Name

Case number (if known)

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **May 11, 2016**
MM / DD / YYYY

X /s/ Sergio Garza
Signature of authorized representative of debtor

Title **Vice President**

Sergio Garza
Printed name

18. Signature of attorney

X /s/ Nathaniel Peter Holzer
Signature of attorney for debtor

Date **May 11, 2016**
MM / DD / YYYY

Nathaniel Peter Holzer
Printed name

Jordan, Hyden, Womble, Culbreth & Holzer, PC
Firm name

**500 North Shoreline Blvd.
Suite 900
Corpus Christi, TX 78401**

Number, Street, City, State & ZIP Code

Contact phone **361.884.5678**

Email address **pholzer@jhwclaw.com**

State Bar No. 00793971
Bar number and State